

such sum to be paid out of the general revenue not to exceed the sum of five thousand dollars (\$5000.00), and said sum is hereby appropriated. Any surplus remaining in the motor transportation fund at the end of any fiscal year, after paying all such salaries, accounts, fees, and charges and after deducting such amount as may be contracted to be paid and incurred and such sum as may be reasonably estimated by the Commission for its use pending further collection of fees shall be paid over to the general revenue fund.

Sec. 17. If any such auto transportation company, association, corporation, or other party at interest be dissatisfied with any decision, rate, charge, rule, order, act or regulation adopted by the Commission, such dissatisfied person, association, corporation, or party may file a petition setting forth the particular objection to such decision, rate, charge, rule, order, act, or regulation or to either or all of them in the district court in Travis County, Texas, against said Commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature and shall be tried and determined as other civil causes in said court; either party to said action may appeal to the appellate court having jurisdiction of said cause and said appeal shall be at once returnable to said appellate court having jurisdiction of said cause and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending; provided, that if the court be in session at the time such right of action accrues the suit may be filed during such term and stand ready for trial after ten days notice. In all trials under this section the burden of proof shall rest upon the plaintiff who must show by clear and satisfactory evidence that the decisions, rates, regulations, rules, orders, classification, acts, or charges complained of are unreasonable and unjust to it or them. The Commission shall not be required to give any appeal bond in any cause arising hereunder and no injunction shall be granted against any order of the Commission without hearing unless it shall clearly appear that irreparable injury will be done the complaining party if the injunction is not granted.

Sec. 18. Whenever notice is required in this Act to be given ten days exclusive of the day of service and return shall be considered as reasonable notice; provided, that in case of emergency the Commission may hear any cause or complaint on less than ten days notice.

Sec. 19. The State Board of Control is hereby authorized and directed to set aside such additional office space in the Capitol at Austin as may be deemed necessary by the Commission for the proper performance of its added duties as herein defined.

Sec. 20. All laws and parts of laws in conflict are hereby expressly repealed.

Sec. 21. If any section, subsection, sentence, clause or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portion of the Act.

Sec. 22. The fact that there is at this time a large number of individuals, firms, and corporations using the highways of this State for the transportation of persons as passengers for hire, by motor propelled passenger vehicles, and the further fact that there is no law regulating this extensive branch of common carrier service, and no law to protect the public in its dealings with such common carrier, creates a public necessity requiring the suspension of the constitutional rule which requires all bills to be read in each House on three several days, and that such rule be and the same is hereby suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

### THIRTY-THIRD DAY.

Senate Chamber,

Austin, Texas, March 2, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

|            |           |
|------------|-----------|
| Bailey.    | Greer.    |
| Berkeley.  | Hall.     |
| Bledsoe.   | Hardin.   |
| Bowers.    | Holbrook. |
| Fairchild. | Lewis.    |
| Floyd.     | Love.     |

|            |            |
|------------|------------|
| McFarlane. | Stuart.    |
| Miller.    | Triplett.  |
| Moore.     | Ward.      |
| Neal.      | Westbrook. |
| Parr.      | Wirtz.     |
| Pollard.   | Witt.      |
| Price.     | Wood.      |
| Real.      | Woodward.  |
| Reid.      | Smith.     |

Absent—Excused.

Russek.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Ward.

S. B. No. 458, A bill to be entitled "An Act creating a special road law for Johnson County, Texas, providing for the condemnation of right-of-way and materials for the construction of roads: prescribing certain duties of railway companies in reference to draining right-of-ways; providing for county road tax: providing for the employment and payment of county convicts for work on roads; providing for the funding of certain outstanding indebtedness; providing for the disposition of funds recovered on certain depository bonds; repealing laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on State Highway and Motor Traffic.

By Senator Parr.

S. B. No. 459, A bill to be entitled "An Act validating and legalizing three hundred and fifty thousand dollars road bonds issued by the county of Cameron, Texas, for the construction of roads within such county, pursuant to Section 52 of Article 3, of the Constitution; validating all orders made and passed by the commissioners' court of said county in respect of said bonds and taxes levied in payment thereof; authorizing the assessment and collection of general ad valorem taxes in such county

for the payment of such bonds and declaring an emergency."

Read first time and referred to Committee on State Highway and Motor Traffic.

By Senator Parr.

S. B. No. 460, A bill to be entitled "An Act ratifying, confirming, approving and validating certain orders and notices of the Commissioners Court of Cameron County, Texas, relating to the issuance of bonds of Cameron County in the total sum of six million dollars for the purpose of construction, maintenance and operation of macadamized, graveled or paved roads or turnpikes in aid thereof, and to levy of a tax upon all of the taxable property in said county, etc., and declaring an emergency."

Read first time and referred to Committee on State Highway and Motor Traffic.

By Senator Holbrook.

S. B. No. 461, A bill to be entitled "An Act to amend Section 8 of House Bill Number 598 passed at the Regular Session of the Thirty-sixth Legislature, and known as Chapter 91 of the Special Laws passed by said Thirty-sixth Legislature, and found at pages 305 to 314, both inclusive, of the Special Laws passed by the Thirty-sixth Legislature of the State of Texas, in 1919, at its regular session, and by adding Section 8-a and Section 8-B to said chapter; relating to the appointment by the Board of Trustees of Bay City Independent School District of a tax assessor and collector; the compensation to be paid such assessor and collector; prescribing the powers and authority of such assessor and collector; prescribing the method of assessing and collecting taxes in said Bay City Independent School District; providing that all laws now in force or that may hereafter be enacted in reference to taxation and taxes, for State, county or school purposes shall be applicable to said school district; providing for valuations; providing that the Board of Trustees of said school district may employ an attorney to enforce collection of taxes and prescribing the compensation that may be paid such attorney; defining certain words; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Woodward.

S. B. No. 462. A bill to be entitled "An Act authorizing steam or electric railway companies, street railway companies, interurban railway companies or other chartered transportation companies, express companies, sleeping car companies, telegraph companies, telephone companies, or persons or association of persons operating the same, or the receivers or lessees thereof and the officers, agents or employees thereof, to issue free passes and franks to the members of the State Highway Commission and the State Highway Engineer, repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

#### S. C. R. No. 31.

Senator Neal sent up the following resolution:

Whereas, the Thirty-ninth Legislature in the regular term of January 1925, did authorize the adoption of a State song for the State of Texas, and did name a committee of seven members, three from the Senate and four from the House to make a selection of the same; and

Whereas, Said songs with the music therefor, were submitted in great numbers and all were eliminated but six; and

Whereas, This committee reported on March 18, 1925, and recommended that one song out of the six be selected at the following session of the Legislature.

Therefore be it Resolved, That the Fortieth Legislature do carry out the expressed wishes of this committee and proceed toward adopting a State song by empowering a joint committee of seven, four from the House and three from the Senate to select one from these six, and to recommend the same to the Legislature for adoption, the same to be hereafter known as the adopted song for the State of Texas.

The resolution was read.

Senator McFarlane sent up the following amendment.

Amend resolution, line 14 after word six, add: "or take such other action as they deem best."

The amendment was read and adopted.

The resolution was adopted.

#### House Bill No. 37.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 37. A bill to be entitled "An Act to amend Article 3351 of Chapter 5, Title 54, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and laid on the table subject to call.

#### House Bill No. 245.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 245. A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by cities and towns in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective cities and towns to make such levies by ordinance, and declaring an emergency."

The bill was read second time.

The committee report was adopted.

The bill was passed to third reading.

#### House Bill No. 323.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 323. A bill to be entitled "An Act providing for the acceptance, ratification and adoption of the National Defense Act enacted and amended by the Congress of the United States relating to the National Guard; recognizing the right of the President of the United States to call or draft the Texas National Guard and Texas National Guard Reserve into the military service of the United States; the resumption of the Texas National Guard and the Texas National Guard Reserves of their membership in the Texas National Guard Reserves on termination of such service, and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill No. 257.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 257. A bill to be entitled "An Act to relinquish and quit-claim unto cities and towns or municipalities which were established or founded, according to the records of the General Land Office, on March 10th, 1826, under the laws of Mexico,

or the laws of Coahuila and Texas, and which had a population of thirty-one hundred and twenty-eight, according to the published United States census of 1920, all squares, blocks, or parcels of land, except streets, alleys and parks now situated in such cities or towns, to which squares, blocks of parcels of land the State of Texas may now have any right title or interest, and declaring an emergency."

The bill was read second time.

The committee report was adopted.

The bill was passed to third reading.

#### House Bill No. 264.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 264, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to revalue, reclassify and give new notice on all scrap school surveys, which were valued and classified on March 26, 1926, and to allow all applicants sixty days after such reclassification to purchase said land and declaring an emergency."

The bill was read second time, and the bill was indefinitely postponed.

#### House Bill No. 35.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 35, A bill to be entitled "An Act to amend Article 2494 of Title 46 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time.

The committee report was adopted.

The bill passed to third reading.

#### House Bill No. 256.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 256, A bill to be entitled "An Act repealing Chapter 15 of the Special Laws of the Thirty-seventh Legislature, entitled 'An Act creating a more efficient road system for Hardin County, Texas; providing that each commissioner of the same shall be ex-officio road commissioner of his precinct; providing for an inspection or roads, bridges and culverts by said commissioner; providing for bonds, compensation and duties, and providing for the work of delinquent poll tax payers of the public roads and accepting certain compensation in lieu of road work; pro-

viding that the commissioners' court shall have power to build roads, bridges, culverts, etc., by private contract; providing that the commissioners' court may employ a superintendent who shall be an experienced civil engineer in road building; providing penalties for the violation of this Act, and this Act shall be cumulative of all General Laws of this State not in conflict herewith; repealing Chapter 82, Special Laws, passed by the Thirty-second Legislature, and declaring an emergency.'"

The bill was read second time.

The committee report was adopted.

The bill was passed to third reading.

On motion of Senator Triplett, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 256 put on its third reading and final passage, by the following vote:

Yeas—28.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Stuart.    |
| Hall.      | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent.

Hardin. Smith.

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | McFarlane. |
| Berkeley.  | Miller.    |
| Bledsoe.   | Moore.     |
| Bowers.    | Neal.      |
| Fairchild. | Parr.      |
| Floyd.     | Pollard.   |
| Greer.     | Price.     |
| Hall.      | Real.      |
| Hardin.    | Reid.      |
| Holbrook.  | Smith.     |
| Lewis.     | Stuart.    |
| Love.      | Triplett.  |

|            |           |
|------------|-----------|
| Ward.      | Witt.     |
| Westbrook. | Wood.     |
| Wirtz.     | Woodward. |

Absent—Excused.

Russek.

**House Bill No. 257.**

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 257 was put on its third reading and final passage, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

**House Bill No. 421.**

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 421, A bill to be entitled "An Act to amend Chapter 65 of the Local and Special Laws enacted by the First Called Session of the

Thirty-ninth Legislature of the State of Texas, known as H. B. No. 202, creating Road District No. 4 in Atascosa County, Texas, and validating certain district road bonds of said road district and proceedings had with respect to their issue, so as to repeal Section 3b of said Special Act, legalizing, approving and validating the proposition of issuing district road bonds of said road district in the sum of four hundred and fifty thousand dollars (\$450,000.00) and certain orders and proceedings recited to have been had with respect thereto, declaring intention to in nowise affect any other provisions of said special and local law; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

The bill was read second time.

Senator Bailey sent up the following amendments:

**Amendment No. 1.**

Amend the bill by striking out all after the enacting clause, and insert in lieu thereof the following; (Inserting a new bill which by unanimous consent was not printed.)

The amendment was read and adopted.

**Amendment No. 2.**

Amend the bill by striking out the caption and inserting the following in lieu thereof:

H. B. No. 421, A bill to be entitled "An Act to amend Chapter 65, of the Special Laws of the State of Texas, passed by the Thirty-ninth Legislature, at its First Called Session, in 1926, being an act to create Road District No. 4, in Atascosa County, Texas, for the purpose of validating and approving all orders made by the commissioners' court of said county, in respect of the organization of said district, validating the authorization, issuance and sale of certain road bonds thereof; and validating all bonds heretofore voted in said Road District Number 4, but not issued and sold; and providing that all bonds heretofore voted, but not issued, shall be validated and their issue and sale legally authorized, and shall become binding obligations on Road District Number 4, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable

property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, all certified copies thereof, and constituting such orders legal evidence; enacting provisions necessary and incidental to the subject and purpose of this Act; repealing Section 3b, of said Chapter 65, of the Special Laws of said Session; and declaring an emergency."

The amendment was read and adopted.

The bill was passed to third reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 421 was put on its third reading and final passage, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

#### House Bill No. 537.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 537, A bill to be entitled "An Act to amend Chapter 78 of the Local and Special Laws enacted by the Thirty-sixth Legislature at its Regular Session in 1919, same being a Special Road Law for Erath County by adding thereto Section 2a, authorizing the Commissioners' Court of Erath County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Hardin, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 537 was put on its third reading and final passage, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

**House Bill No. 455.**

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 455, A bill to be entitled "An Act to amend subdivision 11, of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas of 1925, providing for the election of special judges in case of absence, sickness or inability of any of the regular judges to act and preside in the civil district courts of Harris County, Texas, and declaring an emergency."

The bill was read second time.

The committee report was adopted.

The bill was passed to third reading.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 455 put on its third reading and final passage, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

The bill was read third time and passed finally by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | McFarlane. |
| Berkeley.  | Miller.    |
| Bledsoe.   | Moore.     |
| Bowers.    | Neal.      |
| Fairchild. | Parr.      |
| Floyd.     | Pollard.   |
| Greer.     | Price.     |
| Hall.      | Real.      |
| Hardin.    | Reid.      |
| Holbrook.  | Smith.     |
| Lewis.     | Stuart.    |
| Love.      | Triplett.  |

Ward.

Westbrook.

Wirtz.

Witt.

Wood.

Woodward.

Absent—Excused.

Russek.

**House Bill No. 483.**

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 483, A bill to be entitled "An Act providing that whenever any unorganized county within this State has become or may hereafter become organized the district judge in whose judicial district it is situated shall fix the time for holding court therein; and repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 483 was put on its third reading and final passage, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | McFarlane. |
| Berkeley.  | Miller.    |
| Bledsoe.   | Moore.     |
| Bowers.    | Neal.      |
| Fairchild. | Parr.      |
| Floyd.     | Pollard.   |
| Greer.     | Price.     |
| Hall.      | Real.      |
| Hardin.    | Reid.      |
| Holbrook.  | Smith.     |
| Lewis.     | Stuart.    |
| Love.      | Triplett.  |

Ward.  
Westbrook.  
Wirtz.

Witt.  
Wood.  
Woodward.

Absent—Excused.

Russek.

#### House Bill No. 484.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 484, A bill to be entitled "An Act to amend Section 70 of Article 199 of Title 8 of the Revised Civil Statutes of Texas, by changing the time of holding the terms of the District Court of the Seventieth Judicial District of Texas, repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

The bill was passed to third reading.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 484 put on its third reading and final passage, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Lewis.     |
| Berkeley.  | Love.      |
| Bledsoe.   | McFarlane. |
| Bowers.    | Miller.    |
| Fairchild. | Moore.     |
| Floyd.     | Neal.      |
| Greer.     | Parr.      |
| Hall.      | Pollard.   |
| Hardin.    | Price.     |
| Holbrook.  | Real.      |

Reid.  
Smith.  
Stuart.  
Triplett.  
Ward.

Westbrook.  
Wirtz.  
Witt.  
Wood.  
Woodward.

Absent.

Russek.

#### House Bill No. 556.

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 556, A bill to be entitled "An Act to amend Article 7596, Chapter 1, Title 128, Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, to authorize conservation and reclamation districts co-operating under contract with the United States to waive the preference lien given them by statute, and declaring an emergency."

The bill was read second time.

The committee report was adopted and the bill passed to third reading.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 556 put on its third reading and final passage, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent.

Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

|            |           |
|------------|-----------|
| Bailey.    | Greer.    |
| Berkeley.  | Hall.     |
| Bledsoe.   | Hardin.   |
| Bowers.    | Holbrook. |
| Fairchild. | Lewis.    |
| Floyd.     | Love.     |



|            |            |
|------------|------------|
| McFarlane. | Smith.     |
| Miller.    | Stuart.    |
| Moore.     | Triplett.  |
| Neal.      | Ward.      |
| Parr.      | Westbrook. |
| Pollard.   | Wirtz.     |
| Price.     | Witt.      |
| Real.      | Wood.      |
| Reid.      | Woodward.  |

Absent.

Russek.

**House Bill No. 557.**

The Chair laid before the Senate on the calendar the following bill:

H. B. No. 557, A bill to be entitled "An Act to amend Article 7752, Chapter 2, Title 128, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, to authorize conservation and reclamation districts obtaining a water supply under contract with the United States to waive the statutory lien given them, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 557 put on its third reading and final passage, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

|            |           |
|------------|-----------|
| Bailey.    | Floyd.    |
| Berkeley.  | Greer.    |
| Bledsoe.   | Hall.     |
| Bowers.    | Hardin.   |
| Fairchild. | Holbrook. |

|            |            |
|------------|------------|
| Lewis.     | Reid.      |
| Love.      | Smith.     |
| McFarlane. | Stuart.    |
| Miller.    | Triplett.  |
| Moore.     | Ward.      |
| Neal.      | Westbrook. |
| Parr.      | Wirtz.     |
| Pollard.   | Witt.      |
| Price.     | Wood.      |
| Real.      | Woodward.  |

Absent—Excused.

Russek.

**Senate Bill No. 390.**

On motion of Senator Berkeley, S. B. No. 390 was laid on the table subject to call.

**Senate Bill No. 391.**

On motion of Senator Berkeley, S. B. No. 391 was laid on the table subject to call.

**Senate Bill No. 450.**

On motion of Senator Parr, the regular order of business was suspended, and the Senate took up, out of its order the following bill:

S. B. No. 450, A bill to be entitled "An Act to amend Section 1, Chapter 611, Acts Thirty-ninth Legislature, First Called Session, creating and defining by metes and bounds Road District No. 1 of Hidalgo County, Texas, under authority of Section 52, of Article 3, of the Constitution of the State of Texas for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes or in aid thereof, providing that such district shall be made a body corporate and taxing district under the Constitution and laws of the State of Texas, etc., and declaring an emergency."

The bill was read second time, and the committee report that it be not printed was adopted.

The bill was passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 450 put on its third reading and final passage, by the following vote:

Yeas—30.

|            |           |
|------------|-----------|
| Bailey.    | Greer.    |
| Berkeley.  | Hall.     |
| Bledsoe.   | Hardin.   |
| Bowers.    | Holbrook. |
| Fairchild. | Lewis.    |
| Floyd.     | Love.     |

|            |            |
|------------|------------|
| McFarlane. | Smith.     |
| Miller.    | Stuart.    |
| Moore.     | Triplett.  |
| Neal.      | Ward.      |
| Parr.      | Westbrook. |
| Pollard.   | Wirtz.     |
| Price.     | Witt.      |
| Real.      | Wood.      |
| Reid.      | Woodward.  |

Absent.

Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent.

Russek.

**S. J. R. No. 27.**

The Chair laid before the Senate, on final passage the following resolution:

S. J. R. No. 27, A joint resolution "Proposing an amendment to the State Constitution providing that the permanent university fund shall be invested in bonds of the State of Texas, United States bonds, or bonds issued under and by virtue of the Federal Farm Loan Act approved by the President of the United States, July 17, 1916, and amendments thereto."

The resolution was read third time and passed finally by the following vote:

Yeas—23.

|           |            |
|-----------|------------|
| Bailey.   | Love.      |
| Berkeley. | McFarlane. |
| Bledsoe.  | Miller.    |
| Floyd.    | Moore.     |
| Greer.    | Neal.      |
| Hall.     | Parr.      |
| Holbrook. | Pollard.   |
| Lewis.    | Price.     |

|            |           |
|------------|-----------|
| Real.      | Witt.     |
| Reid.      | Wood.     |
| Triplett.  | Woodward. |
| Westbrook. |           |

Absent.

|            |         |
|------------|---------|
| Bowers.    | Stuart. |
| Fairchild. | Ward.   |
| Hardin.    | Wirtz.  |
| Smith.     |         |

Absent—Excused.

Russek.

**Senate Bill No. 349.**

On motion of Senator Hall, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 349, A bill to be entitled "An Act to extend the time and keep in force for a period of three years from March 5, 1927, Oil and Gas Permit No. 9369, on 156.3 acres of the bed of San Jacinto River, Harris County, Texas, upon the same terms and conditions on which the original permit was issued, and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The bill was passed to engrossment.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 349 was put on its third reading and final passage, by the following vote:

Yeas—27.

|            |            |
|------------|------------|
| Bailey.    | Parr.      |
| Berkeley.  | Pollard.   |
| Bledsoe.   | Price.     |
| Bowers.    | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Holbrook.  | Triplett.  |
| Lewis.     | Ward.      |
| Love.      | Westbrook. |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |
| Neal.      |            |

Absent.

|            |        |
|------------|--------|
| Fairchild. | Wirtz. |
| Hardin.    |        |

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

## Yeas—25.

|            |            |
|------------|------------|
| Bailey.    | Pollard.   |
| Berkeley.  | Price.     |
| Bledsoe.   | Real.      |
| Floyd.     | Reid.      |
| Hall.      | Smith.     |
| Holbrook.  | Stuart.    |
| Lewis.     | Triplett.  |
| Love.      | Ward.      |
| McFarlane. | Westbrook. |
| Miller.    | Witt.      |
| Moore.     | Wood.      |
| Neal.      | Woodward.  |
| Parr.      |            |

Absent.

|            |         |
|------------|---------|
| Bowers.    | Hardin. |
| Fairchild. | Wirtz.  |
| Greer.     |         |

Absent—Excused.

Russek.

## Senate Bill No. 458.

On motion of Senator Ward, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 458, A bill to be entitled "An Act creating a special road law for Johnson County, Texas, providing for the condemnation of right-of-way and materials for the construction of roads; prescribing certain duties of railway companies in reference to draining right-of-ways; providing for county road tax; providing for the employment and payment of county convicts for work on roads; providing for the funding of certain outstanding indebtedness; providing for the disposition of funds recovered on certain depository bonds; repealing laws in conflict herewith, and declaring an emergency."

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 458 was put on its second reading and final passage, by the following vote:

## Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Lewis.     |
| Berkeley.  | Love.      |
| Bledsoe.   | McFarlane. |
| Bowers.    | Miller.    |
| Fairchild. | Moore.     |
| Floyd.     | Neal.      |
| Greer.     | Parr.      |
| Hall.      | Pollard.   |
| Hardin.    | Price.     |
| Holbrook.  | Real.      |

|           |            |
|-----------|------------|
| Reid.     | Westbrook. |
| Smith.    | Wirtz.     |
| Stuart.   | Witt.      |
| Triplett. | Wood.      |
| Ward.     | Woodward.  |

Absent—Excused.

Russek.

The bill was read second time, the Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, the committee report that it be not printed was adopted.

The bill was passed to engrossment.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 458 was put on its third reading and final passage, by the following vote:

## Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

## Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

## Senate Bill No. 438.

On motion of Senator Triplett, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 438, 'A bill to be entitled "An Act providing that no money or benefits to be paid or rendered on a weekly, monthly, or other periodic or installment basis to the insured or any beneficiary under any policy of insurance issued by a life, health or accident insurance company, including mutual and fraternal annuities and benefits in use by any employer, shall be liable to execution, attachment, garnishment or other process or operation of law to pay any debt or liability of the insured or any beneficiary, either before or after payment, except for premiums on such policy or debts of the insured secured by pledge thereof, and providing that whenever such policy or plan shall provide against assignments or commutations, assignments or commutations of a beneficiary in violation of such provision shall be void, and declaring an emergency."

The bill was read second time and passed to engrossment.

On the motion of Senator Triplett, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 438 was put on its third reading and final passage, by the following vote:

## Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

## Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

## Yeas—26.

|           |          |
|-----------|----------|
| Bailey.   | Bledsoe. |
| Berkeley. | Floyd.   |

|            |            |
|------------|------------|
| Hall.      | Price.     |
| Hardin.    | Real.      |
| Holbrook.  | Reid.      |
| Lewis.     | Smith.     |
| Love.      | Stuart.    |
| McFarlane. | Triplett.  |
| Miller.    | Ward.      |
| Moore.     | Westbrook. |
| Neal.      | Wirtz.     |
| Parr.      | Wood.      |
| Pollard.   | Woodward.  |

## Absent.

|            |        |
|------------|--------|
| Bowers.    | Greer. |
| Fairchild. | Witt.  |

## Absent—Excused.

Russek.

## House Bill No. 37.

Senator Bailey called up from the table H. B. No. 37.

On the motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 37 was put on its third reading and final passage, by the following vote:

## Yeas—28.

|            |            |
|------------|------------|
| Bailey.    | Parr.      |
| Berkeley.  | Pollard.   |
| Bledsoe.   | Price.     |
| Floyd.     | Real.      |
| Greer.     | Reid.      |
| Hall.      | Smith.     |
| Hardin.    | Stuart.    |
| Holbrook.  | Triplett.  |
| Lewis.     | Ward.      |
| Love.      | Westbrook. |
| McFarlane. | Wirtz.     |
| Miller.    | Witt.      |
| Moore.     | Wood.      |
| Neal.      | Woodward.  |

## Absent.

|         |            |
|---------|------------|
| Bowers. | Fairchild. |
|---------|------------|

## Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

## Yeas—26.

|           |            |
|-----------|------------|
| Bailey.   | Lewis.     |
| Berkeley. | Love.      |
| Bledsoe.  | McFarlane. |
| Floyd.    | Miller.    |
| Greer.    | Moore.     |
| Hall.     | Neal.      |
| Hardin.   | Parr.      |
| Holbrook. | Price.     |

|           |            |
|-----------|------------|
| Real.     | Westbrook. |
| Reid.     | Wirtz.     |
| Stuart.   | Witt.      |
| Triplett. | Wood.      |
| Ward.     | Woodward.  |

Absent.

|            |          |
|------------|----------|
| Bowers.    | Pollard. |
| Fairchild. | Smith.   |

Absent—Excused.

Russek.

**Senate Bill No. 423.**

On motion of Senator Neal, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 423, A bill to be entitled "An Act to define and fix the jurisdiction of the County Court of Harrison County, Texas, and to conform the jurisdiction of the District Court of the Seventy-first Judicial District in Harrison County to such change, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, and the committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 423 was put on its third reading and final passage, by the following vote:

Yeas—30.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Pollard.   |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |
| Moore.     | Woodward.  |

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

|           |            |
|-----------|------------|
| Bailey.   | Bowers.    |
| Berkeley. | Fairchild. |
| Bledsoe.  | Floyd.     |

|            |            |
|------------|------------|
| Greer.     | Price.     |
| Hall.      | Real.      |
| Hardin.    | Reid.      |
| Holbrook.  | Smith.     |
| Lewis.     | Stuart.    |
| Love.      | Triplett.  |
| McFarlane. | Ward.      |
| Miller.    | Westbrook. |
| Moore.     | Wirtz.     |
| Neal.      | Witt.      |
| Parr.      | Wood.      |
| Pollard.   | Woodward.  |

Absent—Excused.

Russek.

**Bills Recommended.**

On motion of Senator Woodward, Senate Bills Nos. 384, 385, 386, 387 and 446, were recommitted to the Committee on Criminal Jurisprudence.

**Senate Bill No. 358.**

The Chair laid before the Senate, as pending business, the following bill:

S. B. No. 358, A bill to be entitled "An Act providing for a report and record of real estate sold for taxes and for the publication of same; prescribing the information and data that shall be included in connection therewith; prescribing the duties of the sheriff or constable relative to making report of sales of real estate for taxes to the county clerk; providing for the removal from office of the county clerk, sheriff or constable violating or failing to comply with the provisions of this Act; providing for all matters and things incidental to said purposes; and declaring an emergency."

The bill was read second time.

The minority favorable report was substituted for the unfavorable majority report.

On motion of Senator McFarlane, S. B. No. 358 was laid on the table subject to call.

**Senate Bill No. 146.**

The Chair laid before the Senate, as special order, the following bill:

S. B. No. 146, A bill to be entitled "An Act to define and to regulate the practice of Cosmetic-Therapy in the State of Texas, and defining Cosmetic-Therapy establishments; providing for the creation of the State Board of Examiners of Cosmetic-Therapy, etc., and declaring an emergency."

The bill was read second time.  
Senator Real sent up the amendment printed in the Journal of February 28.

Amendments 1, 2, 3, 4, 5, 6, and 7 were adopted.

Senator Parr sent up the following amendment:

"Section 18. Should any person licensed under the provision of this Act violate any of the provisions hereof, it shall be sufficient cause for cancellation of their certificate or license to practice.

Senator Real moved to table the amendment. The motion prevailed.

Senator Wirtz moved that the further consideration of this bill be indefinitely postponed.

#### Recess.

On motion of Senator Holbrook, the Senate, at 12:10 o'clock p. m., recessed until 2:00 o'clock p. m.

#### After Recess.

The Chair called the Senate to order at 2:00 o'clock p. m., pursuant to recess.

#### Senate Bill No. 146.

The question recurred upon the motion of Senator Wirtz to indefinitely postpone the further consideration of this bill.

Senator Love received the consent of the author of the bill (Senator Real) to send up the following amendment:

Amend S. B. No. 146, by inserting in line 2 on page 8, after the word "examination," the following: "or who practices cosmetic-therapy in an unsanitary manner, or who, in an unsanitary manner, conducts or permits the conduct of an establishment for such practice."

The amendment was read and adopted.

Senator Real moved to table the motion by Senator Wirtz. The motion prevailed by the following vote:

Yeas—11.

|        |         |
|--------|---------|
| Greer. | Smith.  |
| Hall.  | Stuart. |
| Love.  | Ward.   |
| Parr.  | Witt.   |
| Real.  | Wood.   |
| Reid.  |         |

Nays—10.

|           |           |
|-----------|-----------|
| Bailey.   | Floyd.    |
| Berkeley. | Holbrook. |

Lewis.  
McFarlane.  
Neal.

Triplett.  
Westbrook.  
Wirtz.

Absent.

Bledsoe.  
Bowers.  
Fairchild.  
Hardin.  
Miller.

Moore.  
Pollard.  
Price.  
Woodward.

Absent—Excused.

Russek.

The question recurred upon the engrossment of S. B. No. 146.

The bill failed to pass to engrossment by the following vote:

Yeas—11.

Greer.  
Hall.  
Love.  
Moore.  
Parr.  
Real.

Reid.  
Smith.  
Stuart.  
Witt.  
Wood.

Nays—13.

Bailey.  
Berkeley.  
Bledsoe.  
Floyd.  
Hardin.  
Holbrook.  
Lewis.

McFarlane.  
Neal.  
Price.  
Triplett.  
Westbrook.  
Wirtz.

Absent.

Bowers.  
Fairchild.  
Miller.

Pollard.  
Woodward.

(Pairs Recorded.)

Senator Russek (present), who would vote nay with Senator Ward (absent), who would vote yea.

#### Senate Bill No. 421.

On motion of Senator Triplett, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 421, A bill to be entitled "An Act to amend Article 5344 of the Revised Civil Statutes of Texas of 1925 (being Chapter 140 of the Acts of the Regular Session of the Thirty-ninth Legislature), relating to the payment of royalty and money to the State under leases of certain public lands, islands, waters, bays, reefs, salt water lakes, river beds and channels and other submerged lands, so as to include "river beds and channels" in the provision for the exemption of payment of \$2.00 per acre

per annum where the leased area contains as much as 100 acres but not in excess of 500 acres upon which as many as five wells have been drilled and upon which an expenditure as much as \$100,000.00 has been made."

The bill was read second time.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Triplett, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 421 was put on its third reading and final passage, by the following vote:

Yeas—25.

|            |            |
|------------|------------|
| Bailey.    | Parr.      |
| Berkeley.  | Price.     |
| Bledsoe.   | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Moore.     | Wood.      |
| Neal.      |            |

Absent.

|            |           |
|------------|-----------|
| Bowers.    | Pollard.  |
| Fairchild. | Woodward. |
| Miller.    |           |

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—21.

|            |            |
|------------|------------|
| Bailey.    | Real.      |
| Berkeley.  | Reid.      |
| Bledsoe.   | Smith.     |
| Floyd.     | Stuart.    |
| Hall.      | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Neal.      | Wood.      |
| Parr.      |            |

Absent.

|            |           |
|------------|-----------|
| Bowers.    | Moore.    |
| Fairchild. | Pollard.  |
| Greer.     | Price.    |
| Hardin.    | Woodward. |
| Miller.    |           |

Absent—Excused.

Russek.

#### Senate Bill No. 461.

On motion of Senator Holbrook, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 461, A bill to be entitled "An Act to amend Section 8 of H. B. No. 598 passed at the Regular Session of the Thirty-sixth Legislature, and known as Chapter 91 of the Special Laws passed by said Thirty-sixth Legislature, and found at pages 305 to 314, both inclusive, of the Special Laws passed by the Thirty-sixth Legislature of the State of Texas, in 1919, at its Regular Session, and by adding Section 8A and Section 8B to said chapter; relating to the appointment by the Board of Trustees of Bay City Independent School District of a tax assessor and collector, etc., and declaring an emergency."

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 461 was put on its second reading and final passage, by the following vote:

Yeas—25.

|            |            |
|------------|------------|
| Bailey.    | Parr.      |
| Bledsoe.   | Price.     |
| Floyd.     | Real.      |
| Berkeley.  | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Moore.     | Wood.      |
| Neal.      |            |

Absent.

|            |           |
|------------|-----------|
| Bowers.    | Pollard.  |
| Fairchild. | Woodward. |
| Miller.    |           |

Absent—Excused.

Russek.

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 461 was put on its third reading and final passage, by the following vote:

## Yeas—28.

|            |            |
|------------|------------|
| Bailey.    | Moore.     |
| Berkeley.  | Neal.      |
| Bledsoe.   | Parr.      |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |

Absent.

Pollard. Woodward.

Absent—Excused.

Russek.

The bill was read third time and passed finally by the following vote:

## Yeas—28.

|            |            |
|------------|------------|
| Bailey.    | Moore.     |
| Berkeley.  | Neal.      |
| Bledsoe.   | Parr.      |
| Bowers.    | Price.     |
| Fairchild. | Real.      |
| Floyd.     | Reid.      |
| Greer.     | Smith.     |
| Hall.      | Stuart.    |
| Hardin.    | Triplett.  |
| Holbrook.  | Ward.      |
| Lewis.     | Westbrook. |
| Love.      | Wirtz.     |
| McFarlane. | Witt.      |
| Miller.    | Wood.      |

Absent.

Pollard. Woodward.

Absent—Excused.

Russek.

## Senate Bill No. 350.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 350, A bill to be entitled "An Act to authorize the commissioners' court of the various counties of the State of Texas, to employ one or more nurses for the purpose of assisting in the promotion of public health and visiting and inspecting the pupils of the public schools and to appropriate public funds in payment thereof."

The bill was read third time and passed finally.

## Senate Bill No. 191.

On motion of Senator Witt, the regular order of business was suspended, and the Senate took up, out of its order, S. B. No. 191.

S. B. No. 191, A bill to be entitled "An Act amending Article 1667 of the Revised Civil Statutes of 1925, relating to the improvement, navigation, drainage, road or irrigation districts and other character of districts, having for their purpose the expenditure of public funds for improvement purposes or for improvements of any kind whether derived from the issuance of bonds or through any character of special assessment, and relating to the duties of the county auditor in reference thereto; making said article and Articles 1668 to 1676 of the same Chapter relating to the same subject matter applicable in counties having less than 110,000 inhabitants, according to the preceding Federal census, as well as those having 110,000 inhabitants or more, according to such census, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 191 was put on its third reading and final passage, by the following vote:

## Yeas—26.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Price.     |
| Floyd.     | Real.      |
| Greer.     | Reid.      |
| Hall.      | Smith.     |
| Hardin.    | Stuart.    |
| Holbrook.  | Triplett.  |
| Lewis.     | Ward.      |
| Love.      | Westbrook. |
| McFarlane. | Wirtz.     |
| Miller.    | Witt.      |
| Moore.     | Wood.      |

Absent.

Bowers. Pollard.  
Fairchild. Woodward.

Absent—Excused.

Russek.

The bill was read third time and passed finally, by the following vote:



## Yeas—26.

|            |            |
|------------|------------|
| Bailey.    | Neal.      |
| Berkeley.  | Parr.      |
| Bledsoe.   | Price.     |
| Floyd.     | Real.      |
| Greer.     | Reid.      |
| Hall.      | Smith.     |
| Hardin.    | Stuart.    |
| Holbrook.  | Triplett.  |
| Lewis.     | Ward.      |
| Love.      | Westbrook. |
| McFarlane. | Wirtz.     |
| Miller.    | Witt.      |
| Moore.     | Wood.      |

## Absent.

|            |           |
|------------|-----------|
| Bowers.    | Pollard.  |
| Fairchild. | Woodward. |

## Absent—Excused.

Russek.

## Senate Bill No. 253.

The Chair laid before the Senate as pending business, the following bill on final passage:

By Senators Reid and Witt:

S. B. No. 253, A bill to be entitled "An Act creating the Board of Insurance Commissioners, providing for the appointment of the members, terms of office and their duties, repealing conflicting statutes, and declaring an emergency."

The bill was read third time and failed of final passage by the following vote:

## Yeas—12.

|            |       |
|------------|-------|
| Fairchild. | Neal. |
| Greer.     | Parr. |
| Hall.      | Reid. |
| Love.      | Ward. |
| McFarlane. | Witt. |
| Moore.     | Wood. |

## Nays—13.

|           |            |
|-----------|------------|
| Bailey.   | Real.      |
| Berkeley. | Smith.     |
| Bledsoe.  | Triplett.  |
| Floyd.    | Westbrook. |
| Holbrook. | Wirtz.     |
| Lewis.    | Woodward   |

## Absent.

|         |          |
|---------|----------|
| Bowers. | Pollard. |
| Hardin. | Price.   |
| Miller. | Stuart.  |

## Absent—Excused.

Russek.

There being a tie vote the Chair voted nay, and the bill failed to pass.

## Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives,  
Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 348, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes of the State of Texas of 1925, providing for notice to subsequent purchasers and lienholders, whose lien on or interest in such land is evidenced by instrument in writing before a sale of the property under powers conferred by previous deed of trust or contract lien, and declaring an emergency."

H. B. No. 370, A bill to be entitled "An Act defining insurance agents for the purposes of this Act; providing for the licensing of such agents; forbidding engaging in the business of insurance, as defined in this Act, without a license; providing and prescribing who may be licensed; forbidding overinsurance; forbidding discrimination; forbidding rebating; giving authority to the Commissioner of Insurance to grant licenses, and to revoke licenses; authorizing the Commissioner to make or have made examinations, and to call for facts under oath; providing penalties for violation of this Act; giving parties, and declaring an emergency."

H. B. No. 564, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1926, and August 31, 1927, and declaring an emergency."

H. B. No. 569, A bill to be entitled "An Act relating to the State Prison System; providing appropriations to pay the outstanding debts of the prison system which are now due or which may mature prior to the first day of September, A. D. 1927; making appropriations for support and maintenance of the prison system until the first day of September, A. D. 1927; providing how moneys shall be paid and become available; enacting provisions relative to moneys now on hand by the prison system;

providing that hereafter all moneys received by the prison system shall be placed in the State Treasury to the credit of the general revenue fund, and no money shall be paid out except upon sworn accounts and on warrants drawn by the Comptroller as provided for by General Laws of this State in reference to other departments of the State government, and pursuant to appropriations made by the Legislature; providing all things necessary to carry out the main purpose of this Act, and declaring an emergency."

H. B. No. 604, A bill to be entitled "An Act to extend Oil and Gas Permit No. 9892 covering about 540 acres in the bed of the San Bernard River, issued on September 22, 1925, such extension to be for a period of two years from the present date of expiration of said permit, and declaring an emergency."

S. B. No. 457, A bill to be entitled "An Act authorizing any county in this State upon a vote of two-thirds majority of the resident property taxpayers voting thereon, in addition to all other debts to issue bonds or warrants or otherwise lend its credit, etc."

Respectfully submitted,  
M. LOUISE SNOW,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 220.

On motion of Senator Love, the regular order of business was suspended, and the Senate took up, out of its order, S. B. No. 220.

S. B. No. 220, A bill to be entitled "An Act to amend Articles 1833, 1834 and 1836, of Chapter 2, of Title 39, Acts of 1925, providing for bailiffs and additional stenographic help for the courts of civil appeals, and fixing the compensation for such services to be paid from fees collected by the clerk, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several day was suspended and S. B. No. 220 was put on its third reading and final passage, by the following vote:

Yeas—26.

|           |            |
|-----------|------------|
| Bailey.   | Fairchild. |
| Berkeley. | Floyd.     |
| Bledsoe.  | Greer.     |

|            |            |
|------------|------------|
| Hall.      | Reid.      |
| Holbrook.  | Smith.     |
| Lewis.     | Stuart.    |
| Love.      | Triplett.  |
| McFarlane. | Ward.      |
| Miller.    | Westbrook. |
| Moore.     | Wirtz.     |
| Neal.      | Witt.      |
| Parr.      | Wood.      |
| Real.      | Woodward.  |

Absent.

|         |          |
|---------|----------|
| Bowers. | Pollard. |
| Hardin. | Price.   |

Absent—Excused.

Russek.

The bill was laid on the table subject to call.

#### Senate Bill No. 299.

On motion of Senator Hall, the regular order of business was suspended, and the Senate took up, out of its order, S. B. No. 299.

S. B. No. 299, A bill to be entitled "An Act to amend Article 4045, Revised Civil Statutes, 1925, making it unlawful to place, set, or drag any seine or net or to carry on, over or into the waters hereinafter referred to, and declaring an emergency."

The bill was read second time.

The committee report carrying a substitute was adopted.

Senator Wood sent up the following amendment:

Amend Senate Substitute Bill No. 299, page 5, of printed substitute bill, line 18, by inserting after the word "river" the following: "Copano Bay, Powderhorn Lake."

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 299 was put on its third reading and final passage, by the following vote:

Yeas—29.

|            |            |
|------------|------------|
| Bailey.    | Hardin.    |
| Berkeley.  | Holbrook.  |
| Bledsoe.   | Lewis.     |
| Bowers.    | Love.      |
| Fairchild. | McFarlane. |
| Floyd.     | Miller.    |
| Greer.     | Moore.     |
| Hall.      | Neal.      |

|           |            |
|-----------|------------|
| Parr.     | Ward.      |
| Price.    | Westbrook. |
| Real.     | Wirtz.     |
| Reid.     | Witt.      |
| Smith.    | Wood.      |
| Stuart.   | Woodward.  |
| Triplett. |            |

Absent.

Pollard.

Absent—Excused.

Russek.

The bill was read third time and passed finally.

#### Bill Signed.

The Chair Lieut. Gov. Miller gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 457.

#### Bills Read and Referred.

After their captions were read, the Chair referred the following bills:

House Bill No. 348 read and referred to Committee on Civil Jurisprudence.

House Bill No. 370 read and referred to Committee on Insurance.

House Bill No. 564 read and referred to Committee on Finance.

House Bill No. 569 read and referred to Committee on Penitentiaries.

House Bill No. 604 read and referred to Committee on State Affairs.

#### Adjournment.

On the motion of Senator Wirtz, the Senate at 3:25 o'clock p. m., adjourned until tomorrow morning at 10:00 o'clock.

#### APPENDIX.

##### Petitions and Memorials.

Petition from citizens of Aransas Pass and vicinity requesting Senator John H. Bailey to support Senate Fish Bill No. 259, with amendment, providing for protection of shrimp interests.

The Dallas Morning News  
Dallas, Texas,  
March 1, 1927.

Hon. Thos. B. Love,  
State Senate,  
Austin Texas.

Dear Mr. Love:

I would be very glad if you would say to the members of the Senate who are going to visit Dallas on Saturday, that if any of them are interested in going through a newspaper plant, we shall be very glad indeed for them to visit our building for that purpose. We will have a special man available to show them through.

Even if they are familiar with newspaper plants and have time to visit us, it will be pleasing to us to receive them, and we would esteem it quite an honor.

Kindest regards.

Very sincerely yours,

G. B. DEALEY.

President.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, March 2, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. J. R. No. 31 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, March 2, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 349 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, March 2, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 249 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, March 2, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 207 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 319 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 350 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 438 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 423 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 190 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 196 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 250 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 277 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 321 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 336 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 383 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 456 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, March 2, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 458 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, March 2, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 458, A bill to be entitled "An Act creating a special road law for Johnson County, Texas, providing for the condemnation of right-of-way and materials for the construction of roads: prescribing certain duties of railway companies in reference to draining right-of-ways; providing for county road tax: providing for the employment and payment of county convicts for work on roads; providing for the funding of certain outstanding indebtedness; providing for the disposition of funds recovered on certain depository bonds; repealing laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

FLOYD, Chairman.

Committee Room,  
Austin, Texas, March 2, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 266, A bill to be entitled "An Act amending Article 1109, Chapter 10, of the Revised Statutes of the State of Texas, so as to make same applicable to all cities and towns and, by adding thereto Sections 7, 8 and 9, extending the privileges and rights granted under said

Article to public utilities corporations and associations operating under a franchise granted by such cities and towns and engaged in the business of supplying cities and towns with water; and authorizing said cities and towns owning and operating their own water works systems, and public utilities corporations and associations engaged in the business of supplying cities and towns with water for fire protection and domestic consumption, to acquire by purchase, gift, or by the exercise of eminent domain, riparian and prescriptive rights and other rights, to the use of water and providing that so when acquired, such riparian, prescriptive and other water rights shall be detached from the land to which they formerly belonged; and further providing that the water supply of such cities and towns and such public utilities corporations and associations so supplying such cities and towns with water, shall be augmented to the extent of the amount of water and the use thereof so acquired that was formerly appurtenant to and used by any tract of land involved in any condemnation proceeding authorized by the provisions of this Article, and declaring an emergency."

Have had same under consideration, and we are instructed to report same back to the Senate with the recommendation that it do not pass, but that the committee substitute bill hereto attached do pass in lieu thereof, and that they be printed in the Journal but not in bill form.

BERKELEY,  
REAL,  
HOLBROOK.

By Woodward

S. B. No. 266

#### A BILL To Be Entitled

An Act amending Article 1109, Chapter 10, of the Revised Statutes of the State of Texas, so as to make same applicable to all cities and towns and, by adding thereto Sections 7, 8 and 9, extending the privileges and rights granted under said article to public utilities corporations and associations operating under a franchise granted by such cities and towns and engaged in the business of supplying cities and towns with water; and authorizing said cities and towns owning and operating their own

water works systems, and public utilities corporations and associations engaged in the business of supplying cities and towns with water for fire protection and domestic consumption, to acquire by purchase, gift, or by the exercise of eminent domain, riparian and prescriptive rights and other rights to the use of water and providing that when so acquired, such riparian, prescriptive and other water rights shall be detached from the land to which they formerly belonged; and further providing that the water supply of such cities and towns and such public utilities corporations and associations so supplying such cities and towns with water, shall be augmented to the extent of the amount of water and the use thereof so acquired that was formerly appurtenant to and used by any tract of land involved in any condemnation proceeding authorized by the provisions of this article, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1109, of the Revised Civil Statutes of Texas of 1925, be and the same is hereby amended so as to read as follows:

Art. 1109. Waterworks. These rules shall govern incorporated cities owning and operating their own waterworks systems for the purpose of supplying the inhabitants thereof with water for fire protection or domestic consumption and the users of the city. And said rules shall likewise apply to public utilities corporations engaged in the business of supplying such cities and towns with water.

Sec. 2. They may proceed in accordance with Title 52 of the Revised Statutes of Texas and in accordance with the provisions of this article independently of and without reference to any other applicable law or charter provision, present or future, except as hereinafter provided, which said law or charter provisions shall remain in force as alternate methods.

Sec. 3. Subject to the terms hereof, such city may by purchase, gift, or devise, or by the exercise of eminent domain, acquire and own in fee simple or otherwise, public or private lands and property including riparian rights and all other water rights

within or without the city limits or within any county in this State.

Sec. 4. To furnish any such city an adequate and wholesome supply of water, any such city may exercise the right of eminent domain to acquire and condemn either public or private lands or property for the extension, improvement or enlargement of its waterworks system, including water supply reservoirs, riparian rights and all other water rights, stand pipes, water sheds, the construction of water supply reservoirs, wells or artesian wells and dams for the construction, building, erection or establishment of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water.

Sec. 5. Any such city shall also have all the powers conferred upon water improvement districts or water control and preservation districts under the statutes now or hereafter existing providing for the exercise of the right of eminent domain, and shall have all the powers conferred by General Law authorizing cities and towns to exercise the right of eminent domain.

Sec. 6. Any such city may acquire the fee simple title to any land or property when same is expressed in the resolution ordering said condemnation proceedings by the governing body.

Sec. 7. The term "city" or "cities" as used herein shall include all incorporated towns and cities acting hereunder.

Sec. 8. Any public utilities corporation, or association, or other private institution engaged in the business of supplying water to any incorporated city or town or the inhabitants thereof, and operating under a franchise granted by such city or town, shall likewise have and may exercise the right of eminent domain for the purposes of acquiring and owning in fee simple or otherwise public or private lands or property including riparian rights in and to the water of rivers and all other streams or water rights acquired by prescription or otherwise, within or without the limits of such city or town so being supplied with water by such public utilities corporation or association, in the same manner and to the same extent that incorporated cities and towns are by

the provisions of this Act given and hereunder may exercise such right of eminent domain.

Sec. 9. When any incorporated city or town or any public utilities corporation or association shall have acquired riparian rights to the use of water or other water rights under the provisions of this article, such riparian rights to the use of water, or other rights so acquired shall be thereby detached from the land to which it was formerly attached; or appurtenant; and such city or town or such public utilities or association, as the case may be, shall have the preference right to the use of such water and to augment its supply of water for the purpose of supplying said cities with an adequate supply to the extent of the amount of water and the use thereof as was formerly appurtenant to or used by such tract or tracts of land involved in any condemnation proceeding authorized by the provisions of this article.

Sec. 10. The fact that many cities and towns do not own and operate their own waterworks systems, but obtain their water supply for fire protection and domestic consumption from and through public utilities corporations and private associations; and the fact that such cities and towns that do not own and operate their own waterworks systems are dependent upon such public utilities corporations and associations for their supply of water, and the fact that there is no provision under law authorizing such public utilities corporations or other private associations to acquire riparian and prescriptive rights in flowing streams, and by reason thereof such cities and towns so depending upon such public utilities corporations and private associations for a supply of water are often denied a sufficient amount of water to meet the public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Substitute for Senate  
Bill No. 266.

A BILL

To Be Entitled

An Act empowering private corporations or associations engaged in the business of supplying water to

cities or towns or their inhabitants under a franchise, to acquire by purchase riparian rights in the streams in this State separately from the land to which such rights are appurtenant; empowering the owners of such rights to sever from the appurtenant land or to sell and convey them to such corporations or associations empowering such corporations or associations to use the waters embraced in and by such rights or the waters embraced in and by the riparian rights owned by them as appurtenant to riparian land by them owned, for the purpose of supplying water to such cities and towns or their inhabitants, and to the extent of such rights, but no further, to divert such waters and thereby augment the supply to be furnished such cities and towns or their inhabitants; providing that the owner of any land, the riparian rights appurtenant to which shall have been sold under Section 1 of this Act, or his assigns, shall have no right to use thereon for irrigation or other riparian purposes the waters of the stream to which such riparian rights obtain; and further providing that the riparian rights of upper and lower riparian owners as they now exist in law shall not be impaired or lessened by this Act.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any private corporation or association engaged in the business of supplying water to a city or town or the inhabitants thereof under a franchise from such city or town shall have the right to acquire by purchase the riparian rights in any stream in this State from the owner of such rights, separately from the land to which such rights are appurtenant; and the owner of such rights shall have the right to sever them from the land to which they are appurtenant, and, separately from such land, sell and convey them to any such corporation or association aforesaid.

Sec. 2. Any such corporation or association as aforesaid which shall purchase riparian rights in any stream in this State under Section 1 of this Act, or which because of its ownership of riparian land shall own the appurtenant riparian rights in any stream in this State, shall

have the right to use the waters embraced in and by such rights for the purpose of supplying water to any city or town or the inhabitants thereof to which or whom it is engaged in the business of supplying water; and to the extent of the riparian rights so acquired or owned, but no further, may divert such waters and thereby augment the supply to be furnished such city or town or its inhabitants.

Sec. 3. When any riparian rights are acquired by any such corporation or association aforesaid under Section 1 of this Act, the owner of the land to which such rights were appurtenant and his assigns shall have no right to use thereon for irrigation or other riparian purposes the waters of the stream to which such riparian rights obtain.

Sec. 4. The provisions of this Act shall not operate in any way or to any extent to impair or lessen the rights of upper or lower riparian owners to waters appurtenant to their lands as those rights now exist in law.

Substitute for Committee Substitute  
Bill No. 266 to Be Offered  
by Woodward

A BILL  
To Be Entitled

An Act authorizing incorporated cities and towns owning and operating their own water works systems for the purpose of supplying the inhabitants thereof with water for fire protection or domestic consumption of the water users of the cities and towns; and also authorizing public utilities corporations engaged in the business of supplying such cities and towns with water, and operating under a franchise from such cities and towns, to abandon the use of any waters heretofore appropriated for the use of irrigation of any lands owned by such cities, towns or public utilities corporations, and with the approval of the Board of Water Engineers to divert same to augment to the extent of the amount of the waters so appropriated to irrigation, and use the same in supplying the cities and towns or inhabitants thereof with water for fire protection and domestic consumption.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any incorporated city or town owning and operating its own water works system for the purpose of supplying the inhabitants thereof with water for fire protection and domestic consumption and the water users thereof, and any public utility corporation operating under a franchise from any city or town, and engaged in the business of supplying said cities and towns with water for fire protection and domestic use of the inhabitants thereof owning any riparian lands to which water for irrigation has heretofore been appropriated under any law of this State are hereby authorized, with the approval of the State Board of Water Engineers, to abandon such appropriation for irrigation, and change such appropriation, and use the amount of such riparian water so appropriated to and for the use of supplying the inhabitants of any incorporated city or town with water for fire protection and domestic use, thereby augmenting such supply of water for such purposes to the extent and amount of water theretofore appropriated and used for irrigation.

Sec. 2. Any city or town, or public utility corporation, owning riparian lands upon which a lawful appropriation of water for irrigation has heretofore been made desiring to abandon the use of such appropriated water for irrigation and change the same to the use of supplying cities and towns and inhabitants thereof for fire protection and domestic use and consumption shall make application to the State Board of Water Engineers on such form and under such rules and regulations as it may prescribe for permission to abandon the appropriated waters for purposes of irrigation and applying them to the uses for city and town purposes as hereinbefore provided. The State Board of Water Engineers shall give notice of such application, and have hearing thereon as is provided by law for applications to appropriate and use waters for irrigation, subject to all the terms and provisions of the laws of this State applicable to the application for impounding and diversion of water for irrigation. Upon the issuance of a permit to abandon and change the use of waters as provided in this Act, said permit shall be transmitted by the secretary of the



board, by registered mail, to the county clerk of the county in which the appropriation is situated, together with \$1.00 for recording fees to be paid by the applicant, and such clerk shall file and record the same in a well bound book provided and kept for that purpose and index the same alphabetically under the name of the applicant and the stream or source of water supply, and, thereupon, to deliver such permit, upon demand, to the applicant.

Sec. 3. Nothing in this Act shall be held or construed to in anywise alter, effect, impair or lessen the riparian rights of any riparian land owner or the irrigation rights of riparian owners impounding and diverting waters from any stream for the purpose of irrigation, existing under the laws of this State, and the decisions of our Supreme Court.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Internal improvements, to whom was referred

S. B. No. 349, A bill to be entitled "An Act to extend the time and keep in force for a period of three years from March 5, 1927, Oil and Gas Permit No. 9369, on 156.3 acres of the bed of San Jacinto River, Harris County, Texas, upon the same terms and conditions on which the original permit was issued, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

LOVE, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 461, A bill to be entitled "An Act to amend Section 8 of House Bill Number 598 passed at the Regular Session of the Thirty-sixth Legislature, and known as Chapter 91 of the Special Laws passed by said Thirty-sixth Legislature, and found at pages 305 to 314, both inclusive, of the Special Laws passed by the Thirty-sixth Legislature of the State of Texas, in 1919, at its regular session, and by adding Section 8-a and

Section 8-b to said chapter; relating to the appointment by the Board of Trustees of Bay City Independent School District of a tax assessor and collector; the compensation to be paid such assessor and collector; prescribing the powers and authority of such assessor and collector; prescribing the method of assessing and collecting taxes in said Bay City Independent School District; providing that all laws now in force or that may hereafter be enacted in reference to taxation and taxes, for State, county or school purposes shall be applicable to said school district; providing for valuations; providing that the Board of Trustees of said school district may employ an attorney to enforce collection of taxes and prescribing the compensation that may be paid such attorney; defining certain words; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 459, A bill to be entitled "An Act validating and legalizing three hundred and fifty thousand (\$350,000.00) dollars road bonds issued by the county of Cameron, Texas, for the construction of roads within such county, pursuant to Section 52 of Article 3, of the Constitution; validating all orders made and passed by the commissioners' court of said county in respect of said bonds and taxes levied in payment thereof; authorizing the assessment and collection of general ad valorem taxes in such county for the payment of such bonds and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State

Highways and Motor Traffic, to whom was referred

S. B. No. 460, A bill to be entitled "An Act ratifying, confirming, approving and validating certain orders and notices of the Commissioners' Court of Cameron County, Texas, relating to the issuance of bonds of Cameron County in the total sum of six million dollars for the purpose of construction, maintenance and operation of macadamized, graveled or paved roads or turnpikes or in aid thereof, and to the levy of a tax upon all of the taxable property in said county, for the purpose of paying the interest on said bonds and providing a sinking fund for the redemption thereof at maturity; ratifying, confirming, approving and validating, the election at which such bonds were voted, the notices of said election, the time of the publication and posting of such notices, and the form of ballot used thereat; ratifying, confirming, approving and validating the amount of bonds fixed in the order of said commissioners' court calling said election, and finding the same to be proper and necessary for the purposes set forth in said order calling said election, authorizing Cameron County to issue and sell said bonds and use the proceeds thereof for the purposes set forth in said order of said commissioners' court calling said election; declaring said bonds as and when issued and sold to be the legal valid and binding obligations of Cameron County; authorizing Cameron County to levy upon all taxable property in said county and collect, sufficient taxes to pay the interest on said bonds and provide a sinking fund for the payment of said bonds at maturity; directing the Attorney General to approve and certify said bonds as the valid and binding obligations of Cameron County issued in conformity with the Constitution and laws; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 2, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 388, A bill to be entitled

"An Act making it the duty of the State Health Department to analyze any liquor or liquid to ascertain its alcoholic content when requested to do so by any county attorney, district attorney or the Attorney General and furnish a written report of such analysis; requiring the return of samples submitted along with such written report, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed in bill form, but be printed in the Journal.

BERKELEY, Chairman.

By Floyd

S. B. No. 388

#### A BILL

#### To Be Entitled

An Act making it the duty of the State Health Department to analyze any liquor or liquid to ascertain its alcoholic content when requested to do so by any county attorney, district attorney, or the Attorney General and furnish a written report of such analysis; requiring the return of samples submitted along with such written report, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of the State Health Department to analyze any liquor or liquid in order to ascertain its alcoholic content when requested to do so by any county attorney, district attorney or the Attorney General, and furnish a written report to the officer so requesting same showing such analysis and the alcoholic content of any such liquor or liquid. It shall be the duty of said State Health Department to return the samples so submitted for analysis to the officer requesting the analysis along with the written report herein provided for.

Sec. 2. The fact that under the present laws no method is provided for analyzing beverages in order to ascertain whether they are intoxicating liquors, and the fact that for said reason it is difficult for prosecuting officials to enforce the liquor laws of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be sus-

pended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, March 2, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Land and Land Office, to whom was referred

S. B. No. 437, A bill to be entitled "An Act to revive and extend the time of expiration of Oil and Gas permit No. 7987 on 36.2 acres of the bed of Goose Creek in Harris County, Texas, for a period of three years from June 11, 1927, upon the same terms and conditions on which the original permit was issued, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

REAL, Chairman.

By Hall.

S. B. No. 437.

Whereas, the owner of Oil and Gas Permit No. 7987, issued by the Commissioner of the General Land Office of the State of Texas on 36.2 acres of the bed of Goose Creek, in Harris County, Texas, upon receiving said permit made location and began preparations for drilling a well on said area, but was prevented from commencing said well by the engineers of the United States under the policy of the government then obtaining to not permit wells to be drilled in navigable waters, and

Whereas, this policy has recently been relaxed so as to permit such drilling where same can be done without detriment to navigation, and,

Whereas, the owner of said permit has paid all annual rentals thereon and is not in default in performing the obligations required under said permit, being refused permission to drill thereon by said engineers, and

Whereas, it is to the interest of the State of Texas to have its mineral lands developed and to secure the revenue accruing from the oil and gas that may be developed therefrom, and that justice to the owner of said permit requires that he be given an opportunity to develop same, now therefore,

## A BILL To Be Entitled

An Act to revive and extend the time of expiration of Oil and Gas Permit No. 7987 on 36.2 acres of the bed of Goose Creek in Harris County, Texas, for a period of three years from June 11, 1927, upon the same terms and conditions on which the original permit was issued, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Oil and Gas Permit No. 7987, issued by the Commissioner of the General Land Office, on 36.2 acres of the bed of Goose Creek in Harris County, Texas, be and the same is hereby revived and extended for a period of three years from June 11, 1927, upon the same terms and conditions recited in said original permit, and the rights, privileges and obligations of the owner of said permit and of the State of Texas shall remain and be the same as if the expiration date of said permit had originally been fixed at three years from June 11, 1927.

Sec. 2. The fact that such development may contribute substantially to the wealth of the State through royalties from the oil and gas which may be produced from said area and, justice to the owner of said permit, who is ready, able and willing to begin operations for the development of said area as soon as permission is obtained from the United States authorities to drill thereon, create an emergency and an imperative public necessity exists that the rule requiring bills to be read on three several days in each House be suspended and that this bill be placed upon its third reading and final passage and take effect from and after its passage, and it is so enacted.

## THIRTY-FOURTH DAY.

Senate Chamber,

Austin, Texas March 3, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names: